

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ITRIA VENTURES LLC,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
WELCOME GROUP LLC dba AMERICA	:	23-CV-1575 (VEC)
BEST VALUE INN, LANCASTER	:	
HOSPITALITY, LLC dba HAMPTON INN,	:	<u>ORDER</u>
HILLIARD HOTELS, LLC dba HAMPTON	:	
SIDNEY, SYNERGY HOTELS, LLC dba	:	
HOLIDAY INN OBETZ, TEHRAH	:	
HOSPITALITY, LLC dba HOLIDAY INN	:	
TOLEDO, OAK HILLS HOTELS, LLC dba	:	
HOLIDAY INN GROVEPORT, DAYTON	:	
HOTELS, LLC dba BEST WESTERN NORTH,	:	
ELITE HOSPITALITY LLC dba QUALITY	:	
INN SUITES, S&G HOSPITALITY, INC. dba	:	
QUALITY INN SUITES, SMV HOTELS, INC.	:	
dba HOLIDAY INN GROVEPORT, INNVITE	:	
HOSPITALITY GROUP, LLC, BUCKEYE	:	
LODGING, LLC dba RED ROOF PLUS,	:	
WELCOME GROUP 2 LLC dba SUPER 8,	:	
SUNBURST HOTELS LLC dba QUALITY	:	
INN SUITES, ABHIJIT S. VASANI, and	:	
BHAVNA A. VASANI,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on February 24, 2023, Defendants filed notice to remove this matter from New York Supreme Court, New York County to this Court, *see* Notice of Removal, Dkt. 1;

WHEREAS on March 24, 2023, Plaintiff moved to remand this case to state court based on forum-selection clauses allowing Plaintiff to sue Defendants in New York, Delaware, or Ohio, and requested reasonable attorneys' fees incurred in connection with its motion, *see* Not. of Mot., Dkt. 36; and


WHEREAS on April 7, 2023, Defendants consented to remand and opposed Plaintiff's request for attorneys' fees, *see* Defs. Mem., Dkt. 41;

IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to terminate all open motions and to remand this case to the Supreme Court of New York, New York County.

IT IS FURTHER ORDERED that Plaintiff's request for reasonable attorneys' fees in connection with its motion for remand is DENIED because Defendants' notice of removal was not objectively unreasonable. *See Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005) (affirming the denial of attorneys' fees even though removal had been improper); *Hefton v. Viscern Holding Corp.*, No. 07-CV-9586 (RPP), 2008 WL 938938, at *4–6 (S.D.N.Y. Apr. 7, 2008) (denying plaintiffs' motion to remand and request for attorneys' fees in part because the forum-selection clauses at issue did not include an "explicit waiver of a right to remove to federal court"); *cf. Gen. Elec. Capital Corp. v. Cutler*, No. 15-CV-4420 (PAE), 2015 WL 7444627, at *3–4 (S.D.N.Y. Nov. 23, 2015) (awarding attorneys' fees in connection with a motion to remand because the forum-selection clauses at issue required defendants to "irrevocably waive[]" any right to removal).

SO ORDERED.

Date: April 10, 2023
New York, New York


VALERIE CAPRONI
United States District Judge